

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION

Extended School Year (ESY) Procedures

1032

The purpose of this document is to provide procedural information regarding charter school responsibilities for implementing Extended School Year (ESY) services for students with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA). These procedures cover:

Extended School Year. “Extended school year services” are special education and related services that:

- (1) Are provided to a child with a disability:
 - i. Beyond the normal school year;
 - ii. In accordance with the child’s IEP; and
 - iii. At no cost to the parents of the child; and
- (2) Meet the standards of the state educational agency.

Determining the Need for ESY Services. Authorized charter schools shall ensure that the IEP team annually determines for each student with a disability whether ESY services are necessary to provide “free appropriate public education” (FAPE). This determination may be made based on a variety of data-based analyses and conclusions, including but not limited to:

- (1) Progress monitoring indicates regression of skill(s) to such a degree that it will require extended time to recoup;
- (2) Recent eligibility for special education and no sufficient data to determine if regression is a concern;
- (3) A student is new to the school/LEA and no prior progress monitoring data is available;
- (4) A break from routine or school supports leads to behavior that is harmful to self or others;
- (5) Significant regression in behavior or safety could potentially require a more restrictive Least Restrictive Environment (LRE) than required before the school scheduled break;
- (6) A student’s physical health or needs require continuous intervention; or
- (7) Emerging skills and breakthrough opportunities.

A student’s need for ESY services is fluid and may be established and/or discussed at any point during the school year via an IEP team meeting regardless of when the student’s annual IEP meeting falls. The IEP team’s decision is contingent upon data collection and is student and/or situation specific. Progress monitoring data regarding the student’s performance prior to and immediately following school breaks shall be considered in determining an individual’s need for ESY. Schools shall document the data used to determine eligibility for ESY services and the IEP team’s decision within the student’s IEP and within the Prior Written Notice.

Identifying Goals Requiring ESY Services. ESY services shall be designed to convey meaningful educational benefit for students whose IEP team determines they are necessary to provide FAPE and shall be unique to each individual student based on their specific IEP goal(s), service(s), and data. ESY services shall be targeted to address only the critical skill(s), behavior(s), or medical concern(s) as identified in the student’s Measurable Annual Goals (MAGs) which are at risk of loss or regression according to the data collected

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by the IEP team. The IEP team shall not automatically include every IEP goal or service within the ESY program unless there is evidence of need.

Determining ESY Service Hours and Frequency. ESY services shall be delivered by qualified special education teachers and/or specialists, but not necessarily the student’s current teacher. ESY services shall not be determined based on available staffing or convenience. An IEP team's offer of ESY services must be consistent with the data collected and be individualized to the student's needs. The IEP team shall decide the type, amount, and duration of ESY services for an individual student, based on what the student needs to receive FAPE.

Parental Notification. A student’s need for ESY shall be made in a timely manner so the parent(s)/legal guardian(s) can make adequate plans for the student’s participation as well as consider their rights in relation to the decision. Schools shall follow all procedural safeguards, including documenting the IEP team’s decision within the Prior Written Notice and providing at least ten (10) days’ notice to parents prior to implementation of the proposed ESY services.

Transportation. Charter schools shall provide transportation as needed to students with disabilities who have been determined eligible for ESY services to ensure their ability to participate in the ESY program. Schools shall ensure all special transportation provisions included in the student’s IEP are followed.